

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

MUNCEY MORRIS,

Plaintiff,

-vs-

NEWBERRY CORRECTIONAL
FACILITY, ET AL.,

Defendants.

No. 11-10938

District Judge Thomas L. Ludington
Magistrate Judge R. Steven Whalen

ORDER DENYING MOTION TO STAY

Before the Court is Plaintiff's motion to stay [Doc. #82]. Plaintiff, a prison inmate in the custody of the Michigan Department of Corrections ("MDOC"), has brought an action under 42 U.S.C. § 1983, claiming deliberate indifference to his serious medical needs, in violation of the Eighth Amendment. He seeks a stay of proceedings so that he may exhaust his administrative remedies against a new proposed Defendant, Dr. Bashir. However, a prisoner must complete the administrative process *before* filing a lawsuit in federal court. *Freeman v. Francis*, 196 F.3d 641, 645 (6th Cir.1999). A prisoner is not permitted to exhaust administrative remedies while his federal suit is pending. *Larkins v. Wilkinson*, 1998 WL 898870, at *2 (6th Cir. Dec.17, 1998) (unpublished) (dismissing plaintiff's complaint where his "attempt to exhaust his available administrative remedies only after filing suit in federal court ignores the clear mandate of § 1997e(a) which requires exhaustion ... prior to filing suit in federal court.").

Accordingly, Plaintiff's motion to stay [Doc. #82] is DENIED.

IT IS SO ORDERED.

Dated: August 28, 2013

s/ R. Steven Whalen
R. STEVEN WHALEN
UNITED STATES MAGISTRATE JUDGE

I hereby certify that a copy of the foregoing document was sent to parties of record on August 28, 2013, electronically and/or by U.S. mail.

s/Michael Williams
Case Manager to the
Honorable R. Steven Whalen